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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TIMOTHY and JEANNE DuFOUR and KENNETH TANNER, individuals, on their own behalves and on behalf of all others similarly situated.

Plaintiffs,

V.

BE., LLC, DYNAMIC SHOWCASES, LLC, California limited liability companies, MONTEREY FINANCIAL SERVICES, INC., a California corporations, BE MARKETING LIMITED, a private limited company registered in England and Wales, ERIK DeSANDO, BARRY FALCK, JACOB STEINBECK, and DOES 1-100, inclusive.

Defendants.

No. 09-03770-CRB

Judge Charles R. Breyer

**STIPULATION CONTINUING THE
BRIEFING SCHEDULE FOR
MONTEREY FINANCIAL SERVICES,
INC.'S MOTION TO COMPEL
ARBITRATION AND [PROPOSED]
ORDER**

1 **STIPULATION CONTINUING THE BRIEFING SCHEDULE FOR MONTEREY'S**
2 **MOTION TO COMPEL ARBITRATION**

3 WHEREAS, on July 15, 2011, Defendant Monterey Financial Services, Inc.
4 ("Monterey") filed a Motion to Compel Arbitration and Stay Action as to Plaintiff Tanner
5 ("Motion") which set a hearing on the Motion for August 19, 2011;

6 WHEREAS, under the ordinary operation of the Civil Local Rules, Plaintiffs' Opposition
7 is due on July 29, 2011, and Monterey's reply is due on August 5, 2011;

8 WHEREAS, counsel for Plaintiffs have prior commitments that would prejudice
9 Plaintiffs' ability to effectively oppose to the Motion under the current briefing schedule;

10 THEREFORE, the parties hereby stipulate that:

11 1. The briefing schedule on the Motion shall be modified in the following manner:
12 (a) Plaintiff's Opposition shall be filed by August 8, 2011; (b) Monterey shall file its reply brief
13 on August 15, 2011; and (c) the hearing shall be set for September 2, 2011, at 10:00 AM in
14 Courtroom 8, 19th Floor, San Francisco before the Honorable Charles R. Breyer (~~if the C~~
15 ~~on the 19th floor of the Federal Building and Courthouse~~)

16 2. Except as to the briefing schedule set forth herein, nothing in this stipulation and
17 proposed order shall be construed or deemed to be a waiver of any other position or argument by
18 any party as to any matter in this case, and in particular including Monterey's pending Motion
19 (Dkt. #143) or Plaintiff's pending Motion to Compel (Dkt. #142).

20 Dated: July 18, 2010

21 By: _____ s/Ethan Preston
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Dated: July 18, 2011

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*Attorneys for Monterey Financial Services,
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 19, 2011

By:

Honorable Charles R. Breyer
United States District Court

